

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RONIT D. APPEL,

Plaintiff,

v.

SCHOEMAN UPDIKE KAUFMAN STERN &
ASCHER LLP, *et al.*

Defendants.

Case No. 1:14-cv-02065-AJN

**NOTICE OF MOTION TO
DISMISS PLAINTIFF'S
AMENDED COMPLAINT BY
DEFENDANTS AVANT-
GARDE AND SERGEI
GOLOUBENKO**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, dated August 14, 2014, and the prior pleadings and proceedings herein, Defendants AVANT-GARDE GROUP, INC. and SERGEI GOLOUBENKO (together, the "AGG Defendants") hereby move this Court before the Honorable Alison J. Nathan, United States District Judge, in Courtroom 906 at the United States Courthouse, 40 Foley Square, New York, New York 10007, on a date and time to be determined by the Court, for an order: (a) pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Amended Complaint as against the AGG Defendants with prejudice and in its entirety, on the grounds that Plaintiff has failed to state a claim upon which relief may be granted against the AGG Defendants; and (b) for such other and further relief as the Court deems just and proper.

Dated: August 14, 2014
New York, New York

Respectfully submitted,
NELSON BROWN & CO., LLC

/s Patrick M. Kennell

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SERGEI GOLOUBENKO

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(Via ECF)
All Counsel of Record